

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-28 are pending in the application, with 1, 17 and 28 being the independent claims. By this Amendment, Applicants seek to amend claims 1-4, 11, 14, 17, 21, 22, 25, and 28. Claims 1-4, 11, 14, 21, 22, 25, and 28 were clarified and made broader. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

**Rejections Under 35 U.S.C. § 102**

Claims 1, 3, and 7 stand rejected under 35 U.S.C. Sec. 102(b) as being anticipated by Schlafer (US 4,023,226). Although the Office Action cites US 4,023,226, Applicants assume that US 4,023,126 is the intended citation. Applicants traverse this rejection because the cited reference fails to disclose, teach, or suggest all the features of the claimed invention.

For example, the cited reference (Schlafer) fails to disclose, teach, or suggest an apparatus or method including first and second patterning devices for imparting a pattern in corresponding first and second beams of radiation, as recited in claim 1. These features are discussed, for example, in regards to element 8 in paragraphs 0066 - 0081 of Applicants' specification and are illustrated in FIGs. 2-7.

By contrast, Schlafer only discloses a single patterning device (i.e., master mask 74) that patterns a single beam of radiation. See, for example, columns 4, line 28 -

column 5, line 42. Schlafer goes on to state that the master mask 74 is a "conventional mask such as has been used in the prior art for exposing a photoresit layer on a semiconductor wafer." Schlafer fails to provide any teaching or suggestion whatsoever of using or being able to use an additional mask or patterning device that patterns a corresponding second beam of radiation.

The Office Action states that "[t]he reference disclosed....a patterning means 74 having multiple sub-patterns...." The Office Action, however, does not state that the reference discloses first and second patterning devices patterning respective first and second beams of radiation, as recited in Applicants' claim.

If a future Office Action rejects claim 1, Applicants respectfully request that the Office Action specifically point out in the cited reference an apparatus or method including first and second patterning device for imparting patterns in corresponding first and second beams of radiation.

It is respectfully pointed out that anticipation can only be established by a single prior art reference that discloses each and every element of the claimed invention. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440 (Fed. Cir. 1984). Therefore, since the cited reference fails to recite each and every element recited in claim 1, claim 1 is not anticipated by the cited reference and is therefore allowable. Reconsideration and withdrawal of the rejection of claim 1 is, therefore, respectfully requested.

Claims 3 and 7 depend from claim 1 and are therefore allowable at least for the reasons claim 1 is allowable and for the specific features recited therein.

**Rejections Under 35 U.S.C. § 103**

Claims 1-4 and 11-28 stand rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over Marcy (US Pat. No. 3,7732,796). Although the Office Action cites US Pat. No. 3,7732,796, Applicants assume that US Pat. No. 3,732,796 is the intended citation. Reconsideration of claims 1-4 and 11-28 is respectfully requested.

To establish a *prima facie* case of obviousness, all of the claimed features must be taught or suggested by the reference(s), M.P.E.P. Section 2142.

Applicants respectfully submit that Marcy fails to teach or suggest all of the claimed features of the invention. In particular, Marcy fails to teach or suggest an apparatus or method including a radiation distribution device having a duty cycle during which the radiation distribution device sequentially directs a respective portion of radiation from an illumination system to each of a plurality of radiation distribution channels in turn, as recited in claims 1, 17, and 28.

The Examiner indicates in paragraph 3 of the Office Action that FIG. 1 of Marcy illustrates a distribution device 8. However, Marcy does not teach or suggest that its distribution device has a duty cycle during in which it sequentially directs a respective portion of radiation from an illumination system to each of a plurality of radiation distribution channels, in turn. In fact, Marcy seems to be completely silent regarding this feature.

Also, in many aspects of the rejection, it appears the Examiner has used impermissible hindsight to find the claimed features obvious, which is not permitted under the prevailing patent laws. *Para-Ordnance Manufacturing, Inc. v. SGS Importers International, Inc.*, 73 F.3d 1085, 1087, 37 USPQ2d 1237, 1239 (Fed. Cir. 1995)

(“Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor.”). For Example, it would not appear that one of skill in the art would look to a 1970 photolithography reference to develop a maskless lithography system.

It also appears the Examiner may have used the impermissible “would have been able to produce” standard. *See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565 (Fed. Cir. 1986) (stating the statute at Section 103 requires much more than the references would have been able to produce the claimed features, rather the statute requires it would have been obvious to produce the claimed invention without the benefit of hindsight).

In view of the above arguments, it is clear that the claimed invention would not have been rendered obvious by Marcy to one of ordinary skill in the art at the time of the invention. Therefore, claims 1, 17, and 28 are allowable under 35 U.S.C. § 103 as being patentable over Marcy.

Claims 3-4 and 11-16 depend from claim 1 and, claims 18-28 depend from claim 17. Therefore, claims 3-4 and 11-16 are allowable at least for the reasons claims 1 and 17 are allowable, and for the specific features recited therein.

**Allowable Subject Matter**

The Office Action indicated that claims 5-10 would be allowable if rewritten in independent form, including all of the limitations of the base claim(s) and any intervening claims. Applicants, however, choose not to rewrite claims 5-10 at this time.

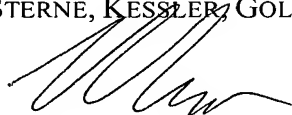
### ***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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